IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

REGINA DELILLO,

Plaintiff,

CIVIL ACTION

v.

ABRAHAM INDUSTRIES, INC., t/db/a:

No. 02-CV-5107

VALLEY FORGE FLAG, INC., et al.

Defendants.

DEFENDANT MICHAEL LIBERMAN'S MOTION TO DISMISS COUNT I OF THE COMPLAINT

Defendant Michael Liberman, by his attorneys, and pursuant to Fed. R. Civ. P. 12(b)(6), respectfully requests this Court to Dismiss Count I of Plaintiff's Complaint with prejudice as to Michael Liberman for the reasons set forth in the accompanying memorandum of law.

Respectfully submitted,

HOYLE, MORRIS & KERR LLP

Jan Fink Call Attorney ID No. 58238 Tammi Markowitz Attorney ID No. 84822 Hoyle, Morris & Kerr LLP One Liberty Place 1650 Market Street, Suite 4900 Philadelphia, PA 19103 (215) 981-5700

Attorneys for Defendant Michael Liberman

Dated: September 30, 2002